

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

DAWN JACKSON,

Plaintiff,

V.

JACOBS FIELD SERVICES NORTH  
AMERICA, INC.,

Defendant.

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CIVIL ACTION NO. 3:13-CV-0061

**DEFENDANT'S NOTICE OF REMOVAL**

TO: Clerk of Court  
United States District Court  
For the Southern District of Texas - Galveston Division  
P.O. Drawer 2300  
Galveston, TX 77553

Clerk of the 212th Judicial District Court  
Of Galveston County, Texas  
600 59th Street, Suite 4204  
Galveston, TX 77551

Josef F. Buenker  
THE BUENKER LAW FIRM  
1201 Prince Street  
Houston, Texas 77008

PLEASE TAKE NOTICE that Defendant Jacobs Field Services North America, Inc., ("Jacobs" or "Defendant") removes this civil action pursuant to 28 U.S.C. §§ 1331, 1441, and 1446. The specific grounds for removal are set forth below.

**BASIS FOR REMOVAL**

Plaintiff Dawn Jackson ("Plaintiff" or "Jackson") filed a civil action against Jacobs on January 26, 2012. In her Original Petition, Jackson asserted that Jacobs discriminated and

retaliated against her in violation of the Texas Commission on Human Rights Act (“TCHRA”).<sup>1</sup> Jackson did not assert any federal claims in the Original Petition.<sup>2</sup> The lawsuit is recorded on the docket of the 212th Civil District Court in Galveston County, Texas as “Cause No. 12CV0111” (“the State Action”).

Jackson filed an Amended Petition (the “Amended Petition”) in the State Action on March 1, 2013.<sup>3</sup> In the Amended Petition, Jackson asserts federal claims of discrimination and retaliation under Title VII of the Civil Rights Act of 1964, as amended.<sup>4</sup> Jackson’s federal claims create federal question jurisdiction. Accordingly, this Court has jurisdiction over this matter, and removal is permissible.<sup>5</sup> In addition, the Court has supplemental jurisdiction over Jackson’s TCHRA claims because those claims arise from the same set of facts that give rise to the Title VII claims.<sup>6</sup> Jacobs has timely filed this Notice of Removal within 30 days of its receipt of the Amended Petition.<sup>7</sup>

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<sup>1</sup> See Exhibit 3.

<sup>2</sup> See *id.*

<sup>3</sup> See Exhibit 4.

<sup>4</sup> See 42 U.S.C. § 2000e, *et. seq.*

<sup>5</sup> See 28 U.S.C. §§ 1331 (conferring original jurisdiction upon federal courts for actions “arising under the ... laws ... of the United States”), 1441(b) (permitting removal of such actions).

<sup>6</sup> See 28 U.S.C. § 1367(a) (allowing supplemental jurisdiction over claims “that are so related to [federal] claims ... that they form part of the same case or controversy under Article III of the United States Constitution.”).

<sup>7</sup> See 28 U.S.C. § 1446(b). (“[A] a notice of removal may be filed within thirty days after receipt by the defendant, through service or otherwise, of a copy of an amended pleading ... from which it may first be ascertained that the case is one which is or has become removable...”).

Pursuant to Southern District of Texas Local Rule 81, Jacobs attaches the following documents to this Notice of Removal:

- Index of Matters Being Filed (Exhibit 1)
- All executed process (Exhibit 2)
- Plaintiff's Original Petition (Exhibit 3)
- Plaintiff's Amended Petition (Exhibit 4)
- Defendant's Answer and Defenses (Exhibit 5)
- Defendant's Answer and Defenses to Plaintiff's Amended Petition (Exhibit 6)
- Docket Control Order (Exhibit 7)
- Agreed Protective Order (Exhibit 8)
- Docket Sheet for the State Action (Exhibit 9)
- List of Counsel of Record (Exhibit 10)

### **VENUE, NOTICE, AND REQUEST FOR ARGUMENT**

Venue is proper in this District under 28 U.S.C. § 1441(a) because this District and Division embrace Galveston County, Texas, the place where the removed action has been pending.<sup>8</sup> Jacobs will promptly file a Notice of Filing Notice of Removal with the 212th Civil District Court in Galveston County, Texas, and will serve a copy on Jackson's counsel, as required by 28 U.S.C. § 1446(d). Should Jackson seek to remand this case to state court, Jacobs respectfully asks that it be permitted to brief and argue the issue of this removal prior to any order remanding this case. In the event the Court decides remand is proper, Jacobs asks that the Court retain jurisdiction and, if the Court deems it appropriate, certify any remand order for interlocutory review by the Court of Appeals.<sup>9</sup>

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<sup>8</sup> See 28 U.S.C. § 124(b)(2).

<sup>9</sup> See 28 U.S.C. § 1292(b).

## **JURY TRIAL**

Plaintiff demanded a jury trial in the State Action.

## **CONCLUSION**

This action presents a federal question over which this Court has original jurisdiction and state law claims over which this Court has supplemental jurisdiction. Accordingly, Jacobs Field Services North America removes the State Action to this Court.

Respectfully submitted,

SEYFARTH SHAW LLP

By: /s/ Timothy M. Watson  
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ATTORNEY IN-CHARGE FOR DEFENDANT,  
JACOBS FIELD SERVICES NORTH AMERICA,  
INC.

## **OF COUNSEL:**

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ATTORNEYS FOR DEFENDANT,  
JACOBS FIELD SERVICES NORTH AMERICA, INC.

**CERTIFICATE OF SERVICE**

I hereby certify that on the 5th day of March 2013, a true and correct copy of the foregoing Notice of Removal was served upon the following counsel of record, via certified mail, return receipt requested:

Josef F. Buenker  
THE BUENKER LAW FIRM  
1201 Prince Street  
Houston, Texas 77008  
(713) 683-9940 - fax

/s/ Timothy M. Watson  
Timothy Watson

**CERTIFICATION OF NOTIFICATION TO DISTRICT COURT**

I further certify that I caused a copy of this Notice of Removal to be filed with the clerk of the 212th Judicial District Court of Galveston County, Texas in accordance with 28 U.S.C. § 1446(d).

/s/ Timothy M. Watson  
Timothy Watson